



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

October 4, 2024

BY EMAIL AND ECF

Hon. Denise Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Sherrod Murphy, 23 Cr. 227 (DLC)*

Dear Judge Cote:

The Government writes respectfully to request a copy of the Court's written statement of reasons submitted in connection with sentencing in this case.

On February 6, 2024, the Court sentenced the defendant principally to 72 months' imprisonment following his plea to possessing a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). *See* Dkt. 38 (judgment). At the sentencing proceeding, the Court explained its reasons for varying upward from its calculated Guidelines range of 51 to 63 months. *See* Sent'g Tr. at 18-19. The defendant filed a notice of appeal on February 14, 2024, *see* Dkt. 40, and filed his opening brief in the Court of Appeals on August 7, 2024, arguing that the sentence was unreasonable. *See* *United States v. Murphy*, No. 24-404, Dkt. 21.1.

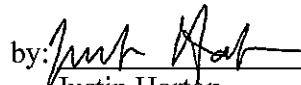
The Government understands that the Court submitted a written statement of reasons in connection with its judgment. *See generally* 18 U.S.C. § 3553(c)(2) (requiring, in certain cases, submission of a "statement of reasons form issued under section 994(w)(1)(B) of title 28"); 28 U.S.C. § 994(w)(1)(B) (providing that such statements of reasons be submitted to the United States Sentencing Commission). While the relevant form provides that such statements are "Not for Public Disclosure," *see* Form AO 245B (Judgment in a Criminal Case) at 22, the Court of Appeals cites such written statements of reasons and analyzes their substance in appeals concerning the reasonableness of a sentence. *See, e.g.*, *United States v. Baptist*, 847 F. App'x 61, 67-68 (2d Cir. Mar. 15, 2021) (summary order) (quoting from sentencing court's written statement of reasons).

The Court's written statement of reasons is not included in the docketed judgment. *See* Dkt. 38. And the Probation Office has informed the Government that it believes it is unable to share its copy of the written statement of reasons without the Court's permission.

Accordingly, the Government respectfully requests a copy of the Court's written statement of reasons so that it may be included in the record on appeal.

Respectfully submitted,

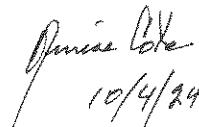
DAMIAN WILLIAMS
United States Attorney

by: 

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cc: Nicholas Pinto, Esq.
Alyssa Lopez, United States Probation Office

Granted.


10/4/24